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TRADEMARK AND COPYRIGHT MATTERS

SPECIALIZING IN PATENTS, TRADEMARKS &amp; COPYRIGHTS

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To: **U.S. Patent Office**  
**Office of Finance - Refund Branch**

From: David G. Posz

Fax No.: 571-273-6500

Applicant(s): SUZUKI

Attorney Docket No.: 01-525 RCE

Application No.: 10/771,792

Group Art Unit: 3661

Filed: February 9, 2004

Examiner: Thu V. Nguyen

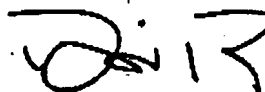
Title: OPERATION EQUIPMENT FOR  
VEHICLE

Sirs,

We respectfully request a refund for \$200 that was over-paid in our Response of January 30, 2007. You will note from the attached documentation and copy of our check for \$400, that the amended claims were 4 and not 5 independent claims. Therefore, the correct charge is \$200.

For the foregoing reasons, it is respectfully requested that the difference \$200 be refunded by crediting our deposit account No. 50-1147. Acknowledgement of receipt and approval of this request are respectfully requested.

Respectfully submitted,

David G. Posz  
Reg. No. 37,701

Attorney Docket No. 01-525

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:

Inventor(s) : Isamu SUZUKI  
Serial Number : 10/771,792  
Filed : February 9, 2004  
For : OPERATION EQUIPMENT FOR VEHICLE  
Examiner : Thu V. Nguyen  
Group Art Unit : 3661

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**RESPONSE UNDER 37 C.F.R. §1.111**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 30, 2007

Dear Sir:

The following amendments and remarks are in response to the Official action mailed November 3, 2006. The Official action set forth a three-month period for response, making this response due on or before February 3, 2007.

Amendments to the claims are reflected in the Listing of Claims that begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

LISTING OF CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Please cancel claims 19, 20 and 23 without prejudice or disclaimer of the subject matter set forth therein and amend claims 21, 22 and 24 as follows.

1. (Previously presented) Operation equipment for a vehicle comprising:
  - a display having a touch switch and a touch sensor for detecting an operation of a passenger or a driver of the vehicle;
  - an electronic control unit; and
  - a driving sensor for detecting the vehicle moving or stopping,wherein the touch sensor is disposed on a screen of the display,
- wherein the touch switch corresponding to a predetermined function is disposed on one side of the screen of the display,
- wherein the electronic control unit determines that the predetermined function is allowed to perform when the driving sensor detects the vehicle stopping,
- wherein the electronic control unit determines that the predetermined function is allowed to perform when the electronic control unit determines the operation of the passenger,
- wherein the electronic control unit determines the operation of the passenger when the touch sensor detects a capacitance between the touch sensor and one of a finger and a hand in a case where the touch switch is disposed on a driver's side of the screen; and

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wherein the electronic control unit determines the operation of the driver when the touch sensor detects a capacitance between the touch sensor and one of a finger and a hand in a case where the touch switch is disposed on a passenger's side of the screen.

2. (Previously presented) The equipment according to claim 1,  
wherein the display further includes a plurality of touch switches, which correspond to predetermined functions, respectively, and

wherein the electronic control unit determines that part of the predetermined functions is prohibited to perform when the electronic control unit determines the operation of the driver and the driving sensor detects the vehicle moving.

3. (Previously presented) The equipment according to claim 2,  
wherein the touch sensor detects an approach position of a hand or a finger when the driver or the passenger moves the hand or the finger closer to the display, and  
wherein the touch switch detects a touch position of a finger when the driver or the passenger touches the display.

4. (Original) The equipment according to claim 3,  
wherein the electronic control unit distinguishes the touch position from the approach position, and distinguishes the approach position of the hand from the approach position of the finger on the basis of a signal from the touch sensor.

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5. (Original) The equipment according to claim 4,  
wherein the vehicle is a right hand drive vehicle, and the touch switch is disposed on a  
right side of the display,  
wherein the display is disposed between a passenger seat and a driver seat of the vehicle,  
and  
wherein the electronic control unit determines the operation of the passenger when the  
touch sensor detects the approach position of the hand.

6. (Original) The equipment according to claim 4,  
wherein the vehicle is a left hand drive vehicle, and the touch switch is disposed on a  
left side of the display,  
wherein the display is disposed between a passenger seat and a driver seat, and  
wherein the electronic control unit determines the operation of the passenger when the  
touch sensor detects the approach position of the hand.

7. (Original) The equipment according to claim 4, further comprising:  
a plurality of panel switches disposed outside of the display,  
wherein the touch switches are disposed on a periphery of the display, and  
wherein each panel switch corresponds to another predetermined function.

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8. (Original) The equipment according to claim 4,  
wherein the equipment provides a vehicle navigation system,  
wherein the electronic control unit is a navigation electronic control unit,  
wherein the driving sensor is a parking brake sensor, and  
wherein the display displays at least a map of geography around the vehicle.

9. (Original) The equipment according to claim 3,  
wherein the electronic control unit distinguishes the touch position from the approach  
position on the basis of a signal from the touch sensor,  
wherein the vehicle is a right hand drive vehicle, and the touch switch is disposed on a  
right side of the display,  
wherein the display is disposed between a passenger seat and a driver seat of the vehicle,  
and  
wherein the electronic control unit determines the operation of the passenger when the  
touch sensor detects the approach position moving from a left side to the right side of the display.

10. (Original) The equipment according to claim 3,  
wherein the electronic control unit distinguishes the touch position from the approach  
position on the basis of a signal from the touch sensor,  
wherein the vehicle is a left hand drive vehicle, and the touch switch is disposed on a  
left side of the display,

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wherein the display is disposed between a passenger seat and a driver seat of the vehicle,  
and

wherein the electronic control unit determines the operation of the passenger when the touch sensor detects the approach position moving from a right side to the left side of the display.

11. (Previously presented) The equipment according to claim 3,

wherein the electronic control unit distinguishes the touch position from the approach position on the basis of a signal from the touch sensor,

wherein the touch sensor and the touch switch are capable of detecting the approach position and the touch position simultaneously, and

wherein the electronic control unit determines the operation of the passenger when the touch sensor and the touch switch simultaneously detect the approach position and the touch position in a case where the touch switch is disposed on a driver's side.

12. (Previously presented) The equipment according to claim 11,

wherein the electronic control unit distinguishes the approach position of the hand from the approach position of the finger on the basis of the signal from the touch sensor, and

wherein the electronic control unit determines the operation of the passenger when the touch sensor and the touch switch simultaneously detect the approach position of the hand and the touch position in a case where the touch switch is disposed on the driver's side.

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13. (Previously presented) The equipment according to claim 3,  
wherein the touch sensor includes a thin film and a plurality of current supplies,  
wherein the thin film is capable of forming a capacitor having a capacitance between the  
thin film and the hand or the finger in a case where the hand or the finger moves closer to the  
display or touches the display,  
wherein the current supplies supply currents to the thin film, and  
wherein the touch sensor detects the approach position on the basis of the capacitance of  
the capacitor calculated by the currents.
14. (Original) The equipment according to claim 13,  
wherein the electronic control unit distinguishes the touch position from the approach  
position on the basis of the currents.
15. (Original) The equipment according to claim 14,  
wherein the electronic control unit distinguishes the approach position of the hand from  
the approach position of the finger on the basis of the currents.
16. (Original) The equipment according to claim 3,  
wherein the touch sensor includes a plurality of photo acceptance devices and light  
emitting devices,  
wherein the light emitting devices emit lights in a direction perpendicular to the display,  
respectively, and



wherein the touch sensor detects the hand or the finger in such a manner that the photo acceptance devices detect reflected lights reflected by the hand or the finger, respectively.

17. (Original) The equipment according to claim 16,

wherein the electronic control unit distinguishes the touch position from the approach position on the basis of the reflected lights detected by the photo acceptance devices.

18. (Original) The equipment according to claim 17,

wherein the electronic control unit distinguishes the approach position of the hand from the approach position of the finger on the basis of the reflected lights;

19-20. (Canceled)

21. (Currently amended) Operation ~~The equipment according to claim 19, for a vehicle~~  
comprising:

a display having a touch switch and a touch sensor for detecting an operation of a  
passenger or a driver of the vehicle;

an electronic control unit; and

a driving sensor for detecting the vehicle moving or stopping,

wherein the touch sensor is disposed on a screen of the display,

wherein the touch switch corresponding to a predetermined function is disposed on the  
screen of the display.

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wherein the electronic control unit determines that the predetermined function is allowed to perform when the driving sensor detects the vehicle stopping.

wherein the electronic control unit determines that the predetermined function is allowed to perform when the electronic control unit determines the operation of the passenger.

wherein the touch sensor detects an approach position of a hand or a finger when the driver or the passenger moves the hand or the finger closer to the display.

wherein the touch sensor detects a touch position of a finger when the driver or the passenger touches the display.

wherein the vehicle is a right hand drive vehicle, and the touch switch is disposed on a right side of the display,

wherein the display is disposed between a passenger seat and a driver seat of the vehicle,  
and

wherein the electronic control unit determines the operation of the passenger when the touch sensor detects the approach position of the hand.

22. (Currently amended) Operation ~~The equipment according to claim 19,~~ for a vehicle comprising:

a display having a touch switch and a touch sensor for detecting an operation of a passenger or a driver of the vehicle;

an electronic control unit; and

a driving sensor for detecting the vehicle moving or stopping.

wherein the touch sensor is disposed on a screen of the display.

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wherein the touch switch corresponding to a predetermined function is disposed on the screen of the display,

wherein the electronic control unit determines that the predetermined function is allowed to perform when the driving sensor detects the vehicle stopping,

wherein the electronic control unit determines that the predetermined function is allowed to perform when the electronic control unit determines the operation of the passenger,

wherein the touch sensor detects an approach position of a hand or a finger when the driver or the passenger moves the hand or the finger closer to the display,

wherein the touch sensor detects a touch position of a finger when the driver or the passenger touches the display,

wherein the vehicle is a left hand drive vehicle, and the touch switch is disposed on a left side of the display,

wherein the display is disposed between a passenger seat and a driver seat, and

wherein the electronic control unit determines the operation of the passenger when the touch sensor detects the approach position of the hand.

23. (Canceled)

24. (Currently amended) Operation ~~The equipment according to claim 19,~~ for a vehicle comprising:

a display having a touch switch and a touch sensor for detecting an operation of a passenger or a driver of the vehicle;

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an electronic control unit; and

a driving sensor for detecting the vehicle moving or stopping,

wherein the touch sensor is disposed on a screen of the display,

wherein the touch switch corresponding to a predetermined function is disposed on the  
screen of the display,

wherein the electronic control unit determines that the predetermined function is  
allowed to perform when the driving sensor detects the vehicle stopping,

wherein the electronic control unit determines that the predetermined function is  
allowed to perform when the electronic control unit determines the operation of the passenger,

wherein the touch sensor detects an approach position of a hand or a finger when the  
driver or the passenger moves the hand or the finger closer to the display,

wherein the touch sensor detects a touch position of a finger when the driver or the  
passenger touches the display,

wherein the electronic control unit distinguishes the touch position from the approach  
position on the basis of a signal from the touch sensor,

wherein the touch sensor and the touch switch are capable of detecting the approach  
position and the touch position simultaneously, and

wherein the electronic control unit determines the operation of the passenger when the  
touch sensor and the touch switch simultaneously detect the approach position and the touch  
position in a case where the touch switch is disposed on a driver's side.

25. (Previously presented) The equipment according to claim 24,  
wherein the electronic control unit distinguishes the approach position of the hand from  
the approach position of the finger on the basis of the signal from the touch sensor, and  
wherein the electronic control unit determines the operation of the passenger when the  
touch sensor and the touch switch simultaneously detect the approach position of the hand and  
the touch position in a case where the touch switch is disposed on the driver's side.

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REMARKS:

In the foregoing amendments, claims 21, 22 and 24 were rewritten as independent claims including all the limitations of claim 19 therein with the exception of the last three lines of claim 19. Claims 19, 20 and 23 were canceled. The foregoing amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and are not being made for reasons substantially related to patentability presented. After the foregoing amendments claims 1-18, 21, 22, 24 and 25 are present in the application for consideration by the examiner. A formal allowance of these claims is respectfully requested for at least the following reasons.

The Official action allowed claims 1-18. Claims 19-25 were rejected under 35 U.S.C. §112, second paragraph, where the last three lines of claim 19 were indicated as ambiguous. Claims 19, 20, 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese publication No. 11-312053 of Kimura in view of U.S. patent publication No. 2003/0132922 of Philipp. Claims 21, 22, 24 and 25 were objected to, but indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph.

In the foregoing amendments, the limitations of claim 19 with the exception of the last three lines of claim 19 were inserted into claims 21, 22 and 24. In the rejection of claims 19-25 under 35 U.S.C. §112, second paragraph, the Official action alleged that the last three lines of claim 19 made this claim vague and indefinite. Applicant respectfully submits that removing the last three lines of claim 19 obviates the rejection of this claim under the second paragraph of 35 U.S.C. §112, because the alleged portion of the claim that is vague and indefinite is no longer in the claim. Since all the limitations of claim 19 with the exception of the last three lines of the

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claim were included in the foregoing amendments to claims 21, 22 and 24, applicant respectfully submits that claims 21, 22, 24 and 25 (Claims 25 depends on claim 24) do not contain the alleged ambiguity that was rejected in the outstanding Office action. In other words, applicant respectfully submits that claims 21, 22, 24 and 25, as amended above, comply with the second paragraph of 35 U.S.C. §112. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection of claims 21, 22, 24 and 25 under 35 U.S.C. §112, second paragraph.

With respect to the prior art rejection of claims 19, 20, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Kimura in view of Philipp, in the foregoing amendments, each of claims 19, 20 and 23 were canceled. Accordingly, it is believed that the rejection of these claims is now moot. While claim 22 was included in this rejection, it is believed that this was a typographical error. Firstly, elsewhere the Official action indicated that claim 22 contain allowable subject matter. Secondly, the body of the rejection does not mention claim 22. Finally, applicant respectfully submits that the teachings of neither Kimura nor Philipp disclose or suggest the invention defined in claim 22, including, *inter alia*:

- wherein the vehicle is a left hand drive vehicle, and the touch switch is disposed on a left side of the display,
- wherein the display is disposed between a passenger seat and a driver seat, and
- wherein the electronic control unit determines the operation of the passenger when the touch sensor detects the approach position of the hand.

For at least the foregoing reasons, applicant respectfully submits that the invention defined in claim 22 is patently distinguishable from the teachings of Kimura in view of Philipp.

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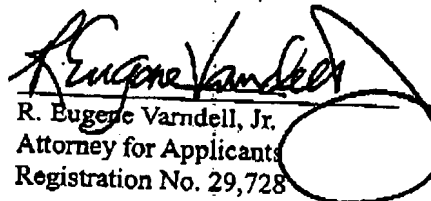
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Therefore, applicant respectfully requests that the examiner reconsider and withdraw any prior art rejection of claim 22 that was set forth in the outstanding Office action.

At least for the foregoing reasons, a formal allowance of claims 1-18, 21, 22, 24 and 25 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,  
POSZ LAW GROUP, PLC

  
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Registration No. 29,728

Atty. Docket No. 01-525  
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Application No. 10/771,792  
Attorney Docket No.: 01-525





Attorney Docket No. 01-525

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Inventor(s) : Isamu SUZUKI  
Serial Number : 10/771,792  
Filed : February 9, 2004  
For : OPERATION EQUIPMENT FOR VEHICLE  
Examiner : Thu V. Nguyen  
Group Art Unit : 3661

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**RESPONSE UNDER 37 C.F.R. §1.111**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 30, 2007

Dear Sir:

The following amendments and remarks are in response to the Official action mailed November 3, 2006. The Official action set forth a three-month period for response, making this response due on or before February 3, 2007.

Amendments to the claims are reflected in the Listing of Claims that begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

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